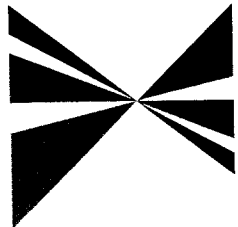


SOUTHERN CALIFORNIA



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**RESOLUTION No. 05-461-1**

**RESOLUTION OF**

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS  
TO ADOPT THE CONFORMITY DETERMINATION FOR THE 8-HOUR  
OZONE STANDARD FOR THE 2004 REGIONAL TRANSPORTATION PLAN  
AND THE 2004 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, the Southern California Association of Governments (SCAG) is the federally designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(a) and (g) for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura, and as such, is responsible for the preparation, adoption and regular revision of the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §§134(g) 49 U.S.C. §5303(f) and 23 C.F.R. §450.312;

WHEREAS, pursuant to Section 130004 of the California Public Utilities Code, SCAG is the designated Regional Transportation Planning Agency and, as such, is responsible for preparation of both the RTP and RTIP under California Government Code §§ 65080 and 65082 respectively; and

WHEREAS, 42 U.S.C. § 7506(c)(1) requires SCAG's 2004 RTP and 2004 RTIP to conform with the applicable State Implementation Plan (SIPs) developed for the federal non-attainment and maintenance areas in the Mojave Desert Air Basin, the Ventura County portion of the South Central Coast Air Basin, the South Coast Air Basin, and the Salton Sea Air Basin;

WHEREAS, SCAG, as the designated MPO, is required to comply with Sections 174 and 176(c) and (d) of the Clean Air Act [42 U.S.C. §§ 7504, 7506(c) and (d)];

WHEREAS, 23 U.S.C. § 134(h)(2)(C) and 23 C.F.R. § 450.324(f)(2) requires the 2004 RTIP to be consistent with the 2004 RTP;

WHEREAS, SCAG has worked concurrently with local, state and federal jurisdictions in a continuing, cooperative and comprehensive manner as required by provisions of Federal and State law on the transportation planning processes;

WHEREAS, federal regulations at 23 CFR § 450.332(e) require that in non-attainment and maintenance areas, funding priority be given to timely implementation of transportation control measures (TCMs) contained in the applicable SIPs in accordance with the conformity regulations at 40 CFR Parts 51 and 93;



WHEREAS, 23 U.S.C. § 134(a), 49 U.S.C. § 5301 *et seq.*, 23 CFR § 450.312, and 49 CFR § 613.100 require SCAG, as the designated MPO, to maintain a continuing, cooperative and comprehensive transportation planning process in its development of the RTP and RTIP;

WHEREAS, on April 15, 2004 the United States Environmental Protection Agency promulgated the final designations for 8-hour ozone non-attainment areas;

WHEREAS, non-attainment area designations for the new 8-hour ozone standard became effective on June 15, 2004, and an approved conformity determination is required one year after the effective date;

WHEREAS, new federal conformity regulation for requires the Southern California Association of Governments (SCAG) to receive approval from the United States Department of Transportation (US DOT) on SCAG's conformity determination by June 15, 2005;

WHEREAS, 8-hour ozone non-attainment areas in the SCAG region include: 1) South Coast Air Basin (SCAB), 2) Coachella Valley – Salton Sea Air Basin (SSAB), 3) Western Portion of Mojave Desert Air Basin (MDAB) [San Bernardino County and Antelope Valley], 4) Imperial County (SSAB) 5) Ventura County – South Central Coast Air Basin (SCCAB);

WHEREAS, the Southern California Transportation Conformity Working Group (TCWG) and the Energy and Environment Committee developed an efficient process to obtain an approved 8-hour ozone conformity determination for the 2004 RTP and RTIP;

WHEREAS, the 8-hour conformity determination entails reaffirming previously approved ozone analyses and findings for the 2004 RTP and 2004 RTIP;

WHEREAS, the 8-hour conformity determination includes additional regional emissions analysis for the new attainment years in the Coachella Valley portion of the Salton Sea Air Basin (SSAB) (2013) and the South Coast Air Basin (2021);

WHEREAS, the 8-hour determination refines the conformity findings for the Southeast Desert Modified area to reflect the two new 8-hour ozone non-attainment areas, the Western Portion of the Mojave Desert Air Basin (MDAB) and the Coachella Valley portion of the Salton Sea Air Basin (SSAB);

WHEREAS, the conformity rule interim emissions test, known as *build/no build*, now requires build emissions to be less than or equal to emissions from the no build scenario and is waived altogether in areas with identical build and no-build scenarios.

WHEREAS, The Searles Valley planning area is designated as a particulate matter (PM10) federal non-attainment area. There are no proposed projects in the 2004 Regional Transportation Plan and Improvement Program (RTP/RTIP) in the Searles Valley area. Therefore, there are no differences between the 2004 RTP/RTIP build scenario and the No Project/no build scenario.

WHEREAS, the Draft Conformity Determination for the 8-hour Ozone Standard was available for public review and comment from January 18, 2005 to February 18, 2005;

WHEREAS, a public hearing was conducted at the Southern California Association of Governments on February 3, 2005;

NOW, THEREFORE BE IT RESOLVED that:

(1) Southern California Association of Governments finds as follows:

- (a) SCAG's 2004 RTP/RTIP regional emissions for Ozone precursors are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years for the South Coast Air Basin (2003 Ozone SIP), the South Central Coast Air Basin (Ventura County- 2004 Ozone SIP), Coachella Valley Salton Sea Air Basin (2004 Ozone SIP), and the Western Mojave Desert Air Basin (2004 Ozone SIP);
- (b) SCAG's 2004 RTP/RTIP regional emissions (build scenario) for Ozone precursors are less than the no-build emissions for the Imperial County portion of Salton Sea Air Basin;
- (c) The build and no build scenarios are identical in Searles Valley, and the associated emissions are equal under both scenarios. Therefore, transportation activity in the Searles Valley conforms to the applicable federal transportation air quality conformity requirements.
- (d) The conformity findings for both the 2004 RTP and the 2004 RTIP are reaffirmed for all applicable pollutants, including regional emissions analyses, financial constraint test, timely implementation of Transportation Control Measures (TCMs) report, applying the use of the latest planning assumptions and the latest approved emissions model, reaffirming consistency between the adopted 2004 RTIP and the adopted 2004 RTP, and reaffirming the process for interagency consultation and public participation;

(e) In addition to reaffirming the already conducted public involvement and interagency consultation test for the 2004 RTP/RTIP, the 8-hour ozone conformity underwent the appropriate process for interagency consultation and public participation;

(2) The Regional Council hereby adopts the conformity findings for all federal non-attainment and maintenance areas in the SCAG region, and the Conformity Determination for the 8-hour Ozone Standard for the 2004 RTP and the 2004 RTIP will be transmitted to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule at 40 CFR Parts 51 and 93

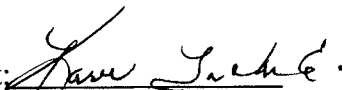
Adopted by the Regional Council of the Southern California Association of Governments at a regular meeting on this 3<sup>rd</sup> day of March 2005.



Ronald Roberts  
President, SCAG  
Mayor Pro Tem, City of Temecula



Mark Pisano  
Executive Director

Attest: 

Karen Tachiki  
Legal Counsel